

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
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ELECTRONICALLY FILED
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DATE FILED: 6/10/2020**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL CALDER LEROUX,

Defendants.

No. S2 12-CR-489 (RA)
14-CR-75 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

In a June 8, 2020 Order, the Court held that the public's qualified First Amendment right of access would be unduly abridged if either party's sentencing submission remains entirely under seal or in redacted form without sufficient justification. The Court directed the parties to meet and confer and either file their sentencing submissions in unredacted form on the docket, or file redacted versions thereof along with an explanation as to how those redactions are narrowly tailored to a compelling interest.

On June 9, 2020, the Government filed a proposed redacted sentencing submission under seal, along with a letter providing the justifications for its proposed redactions. The Court approves most of the Government's proposed redactions. On page 1, however, with the exception of the names of Mr. LeRoux's biological parents, there is no compelling justification for the proposed redactions because this biographical information about Mr. Leroux is already publicly available in the unredacted portions of the sentencing submission that Mr. LeRoux himself filed on the docket on June 7, 2020. Dkt. 17. All of the remaining proposed redactions, however, are narrowly tailored to the compelling interests of protecting the privacy of third parties, *see United States v. Amodeo ("Amodeo II")*, 71 F.3d 1044, 1050-51 (2d Cir. 1995) ("[t]he privacy interests of innocent third parties . . . should weigh heavily in a court's balancing

equation.”) (citation omitted), protecting Mr. LeRoux’s safety, *see United States v. Armstrong*, 185 F. Supp. 3d 332, 336 (E.D.N.Y. 2016) (citations omitted), and protecting the secrecy of the Government’s investigations, *see United States v. Amodeo (“Amodeo I”)*, 44 F.3d 141, 147 (2d Cir. 1995); *Amodeo II*, 71 F.3d at 1050; *United States v. Smith*, 985 F.Supp.2d 506, 531 (S.D.N.Y.2013). Accordingly, the Government shall promptly file its sentencing submission on the docket with all of its proposed redactions, with the exception of the redactions on page 1 other than the names of Mr. LeRoux’s biological parents. The Government shall also file the redacted version of its letter.

Also on June 9, 2020, Mr. LeRoux filed a letter under seal stating, “After meeting and conferring with the government, we submit the redactions that both parties agree are *unnecessary*.” (emphasis added). Mr. LeRoux has not, however, provided a justification for all the redactions that he believes *are* narrowly tailored to a compelling interest, as required by the Court’s June 8, 2020 Order. No later than 5 PM on June 10, 2020, he shall do so, along with a revised version of his sentencing submission that redacts only those portions for which he provides a justification.

SO ORDERED.

Dated: June 10, 2020
New York, New York

A handwritten signature in blue ink, appearing to be 'Ronnie Abrams', written over a horizontal line.

Ronnie Abrams
United States District Judge